

FILED

JUL 09 2013

Clerk, U.S. District Court
District Of Montana
Missoula

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,)	CR 07-108-GF-DLC-RKS-01
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SUNNY RAY RAMIREZ,)	
)	
Defendant.)	
_____)	

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on June 17, 2013. He found that Defendant violated Special Condition #2 of her supervised release by failing to attend substance abuse treatment sessions any time after March 27, 2013; Defendant violated the Preamble to Standard Conditions by violating the Montana laws of driving under the influence of alcohol, driving with a suspended license, and failing to comply with headlight requirements on May 17, 2013; and Defendant

violated Special Condition #4 by consuming alcohol on April 20 and May 16, 2013. Judge Strong recommends that this Court revoke Defendant's supervised release and order her into custody for nine months, followed by 36 months supervised release. No objections have been filed by either party, and Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

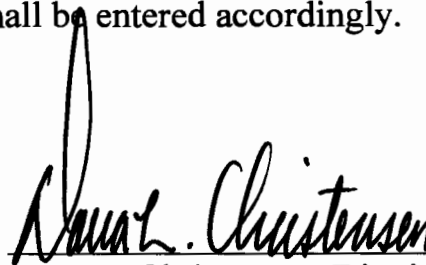
This Court agrees with Judge Strong's finding that Defendant violated Special Conditions #2 and #4 of her supervised release, and Defendant violated the Preamble to Standard Conditions by violating the laws of Montana. Defendant admitted to these violations and allocuted before Judge Strong. Judge Strong is correct that the United States Sentencing Guidelines call for 3 to 9 months imprisonment in this case.¹ A high end guidelines sentence is appropriate in this case because of Defendant's repeated offenses. Defendant's supervised release was revoked in February 2013 for failing to report to drug testing and for her use of methamphetamine. The Court notes that Defendant has been given a number of chances by her probation officer and the Court, making a high end sentence

¹The Court notes that a typographical error in the Findings and Recommendations indicated Defendant has a criminal history category of II. However, Defendant's criminal history category is I. Accordingly, the guidelines call for 3 to 9 months incarceration.

appropriate here.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 101) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 9th day of July, 2013.



Dana L. Christensen, District Judge
United States District Court